

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:19-cv-00272

MAXWELL KADEL; JASON FLECK;
CONNOR THONEN-FLECK, by his
next friends and parents, JASON FLECK
and ALEXIS THONEN; JULIA
MCKEOWN; MICHAL D. BUNTING,
JR.; C.B., by his next friends and parents,
MICHAEL D. BUNTING, JR. and
SHELLEY K. BUNTING; and SAM
SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official
capacity as State Treasurer of North
Carolina; DEE JONES, in her official
capacity as Executive Administrator of
the North Carolina State Health Plan for
Teachers and State Employees;
UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL; NORTH
CAROLINA STATE UNIVERSITY;
UNIVERSITY OF NORTH CAROLINA
AT GREENSBORO; and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES,

Defendants.

**MOTION FOR
EXTENSION OF TIME**

DALE FOLWELL, in his official capacity as State Treasurer of North Carolina; DEE JONES, in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees; UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL; NORTH CAROLINA STATE UNIVERSITY; UNIVERSITY OF NORTH CAROLINA AT GREENSBORO; and NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES,

Pursuant to Fed. R. Civ. P. 6(b) and L.R. 6.1(a), Defendants DALE FOLWELL, in his official capacity as State Treasurer of North Carolina, DEE JONES, in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers

and State Employees, and NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES (“SHP”) (collectively the “SHP Defendants”) hereby request an extension of time, through and including April 24, 2020, within which to file and serve their answers or other appropriate responses to the Complaint, in the above-referenced matter. In support of this motion, the SHP Defendants show unto the Court the following:

1. Plaintiffs filed their Complaint on March 11, 2019. [ECF No. 1]
2. On July 8, 2019, the SHP Defendants filed a Motion to Dismiss.
3. On March 11, 2020, the Court denied the SHP Defendants’ Motion to Dismiss.
4. The current deadline for the SHP Defendants to file a responsive pleading is March 25, 2020.
5. Because of other deadlines, pressing matters, and responsibilities on the SHP Defendants and their counsel, good cause exists to allow additional time for the SHP Defendants to consult with their counsel and prepare a response. More specifically, among other obligations, in February and March 2020, the SHP Defendants have been managing the ongoing and rapidly evolving issues relating to the COVID-19 outbreak. The SHP Defendants and the undersigned counsel are striving to balance the current state of emergency with pending court deadlines. Accordingly, the SHP Defendants respectfully request an additional thirty (30) days to prepare a responsive pleading.
6. The SHP Defendants do not seek an extension for any improper purpose.

7. Counsel for the SHP Defendants has conferred with counsel for Plaintiffs, who consent to the relief requested in this motion.

WHEREFORE, the SHP Defendants respectfully request that the Court enter an order extending the deadline for them to file and serve their answer or other responsive pleadings, through and including April 24, 2020.

This the 20th day of March 2020.

/s/ John G. Knepper
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

This the 20th day of March 2020.

/s/ Kevin G. Williams